



IN THE HIGH COURT OF JUDICATURE AT JABALPUR M.P.

CRIMINAL REVISION NO. 1122/2000

APPLICANTS

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1. Kamal Kishore Agrawal  
S/o. Banarsidas Agrawal  
Aged about 36 years Occ. Business
  2. Shri Kailash Agrawal  
Aged about 40 years  
S/o Banarasidas Agrawal  
Occ. Business
  3. Smt. Santosh W/o Kailash Agrawal  
Aged 36 years House wife
  4. Smt. Chandra Kala W/o Banarsidas  
Agrawal, Aged 62 years House wife
- All residents of RamNiwas Talkies Road  
Gandhi Ganj, Raigarh Distt. Raigarh  
(M.P.)

VERSUS

NON APPLICANT

...

State of M.P.  
Through Police Station Kotwali  
Raigarh.

CRIMINAL REVISION UNDER SECTION 397/401 OF CRIMINAL  
PROCEDURE CODE.

उच्च न्यायालय, मध्यप्रदेश, जबलपुर

## आदेश पत्रक

Cr.R.1122/2000

मामला क्रमांक

सन् 199

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
29.11.2000	<p>Shri V.P. Nema learned counsel for the applicants.</p> <p>Dr. N.K. Shukla, learned Dy. A.G. for the State.</p> <p>Heard.</p> <p>The applicant is aggrieved by the order dated 29.4.2000 passed in Sessions Trial No.165/99 by the learned Second Additional Sessions Judge, Raipur turning down the prayer to supply copy of some report dated 4.7.98 alleged to have been sent by the Executive Magistrate to the S.D.M.</p> <p>According to the applicants, the Executive Magistrate had submitted his report to the S.D.M. and in the said report he clearly stated that the applicants are innocent and none of the <sup>relations of the</sup> deceased had any grievance against the present applicants.</p> <p>The trial Court has rejected the application mainly on the ground that according to the prosecution there is no such report. It has also observed that it is not necessary to supply the copy of the said report because that has not formed part of the challan. The trial Court has also</p>	

[पीछे देखिये]

**आदेश पत्रक ( पूर्वानुबद्ध )**

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>observed that the person who has sent his report to the S.D.M. has <del>not</del> been cited as a witness in the list of witnesses submitted by the prosecution and if such person is examined then the applicants may require him to produce the said record.</p> <p>After hearing the learned counsel for the parties, I am unable to hold that the Court below was unjustified in rejecting the application and giving the opportunity in favour of the applicants. It is, however, ordered that if the said Executive Magistrate Hiteshwar Singh is not examined as a prosecution witness by the State, then the trial Court shall be duty bound to summon said Hiteshwar Singh as a defence witness on a request to be made by the present applicants-accused and if the applicants require the said witness to bring the said report dated 4.7.98 then the witness would be asked to produce the said report in the Court if the report is in existence. With the direction aforesaid, the petition is disposed of.</p>	<div data-bbox="950 1693 1315 1854"> <p align="center">Sd/- R.S. Garg Judge</p> </div>